

### **REMARKS**

Reconsideration and allowance are respectfully requested. Claim 23 has been amended. Claims 1-15 are canceled and claims 16-22 are withdrawn from further consideration. Claims 23-27 remain pending.

The Examiner objected to the drawings as failing to show the metering orifices extending along the longitudinal axis. This limitation has been removed from claim 23. Thus, no changes to the drawings are required.

Claims 23-27 stand rejected under 35 U.S.C. 112, second paragraph. Claim 23 has been amended to remove the language that the metering orifices extend along the longitudinal axis. Applicant submits that all claims are in full compliance with 35 U.S.C. 112. Therefore, the rejection should be withdrawn.

Claims 23-27 stand rejected under 35 U.S.C. 102(b) as being anticipated by Arndt. This rejection is respectfully traversed. However, to advance prosecution, claim 23 has been amended to include a needle that engages the seat. Support for this amendment can be found at page 5, lines 9-14 of the specification.

The Examiner contends that the seat of Arndt et al. is item 40'<sub>upper</sub> and item 37. This is not accurate since the seat in Arndt et al. is disclosed as "seat element 16". The Examiner is reminded that the broadest reasonable interpretation of a claimed element cannot be inconsistent with the specification, which illustrates the claimed seat as item 30 in FIG. 1, which is separate from metering orifice or disc 50. Hence, "claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation.'" MPEP § 2111.01 at 2100-48 (Rev. 3, Aug. 2005) (quoting *In re Marosi*, 710 F.2d 799, 802, 218 USPQ 289, 292 (Fed. Cir. 1983)(emphasis in original)).

In any event, in Arndt et al., there is no needle that is engageable with items 40'<sub>upper</sub>, item 37 or item 35 since these items are part of the metering disc 23. In Arndt et al. the ball 7 associated with needle 5 engages seat element 16.

Therefore, the rejection should be withdrawn because it fails to demonstrate that the applied reference discloses each and every element of the claim. See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." *Studiengesellschaft Kohle mbH v. Dart Industries, Inc.*, 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), *aff'd*, 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

All rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and Notice to that effect is earnestly solicited.

Respectfully submitted,



Edward J. Stemberger  
Registration No. 36,017  
Attorney for Applicant  
Tel. No. (202) 261-1014

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Customer No. 24500